

REMARKS

The Office Action mailed December 12, 2006 and reference cited therein has been reviewed. Applicant has, by this amendment, amended the Specification, canceled claims 1-10 and added new claims 11-30. Applicant submits that the amendments to the Specification do not constitute new matter.

Claims 1-10 were rejected under 35 U.S.C. §102 as being anticipated by de Molina 6,220,406. Applicant has canceled claims 1-10, thereby making the rejection moot.

Applicant submits that new claims 11-30 are patentably distinct over the cited art of record. Independent claims 11 and 21 have been amended to clarify the structure of the piston. As defined in the two independent claims, the piston includes at least first and second portions and at least one passageway between the ends of the first and second portions that permit a flow of gas between the first and second spaces in the chamber during axial movement of the piston rod. The first and second portions also include gas passage structures that permit a flow of gas between the first and second spaces in the chamber during axial movement of the piston rod. The one or more passageways between the ends of the first and second portions plus the gas passage structures in the first and second portions of the piston must occupy an area which is greater than about 5% of an area of the piston. This area amount has been found to reduce heat generation as the piston rod axially moves in the chamber. The '406 patent does not disclose or teach such a structure for a piston. The '406 patent discloses a passive damping system for a spring that has a different design from the gas spring defined in the pending claims. Applicant notes the assertion by the Examiner that the '406 patent discloses a spring arrangement that reduces heat generation. Applicant could not locate this teaching in the '406 patent.

Applicant also submits that the dependent claims also include limitations for the structure of the piston that is not disclosed or taught by the '406 patent.

For at least these reasons, Applicant submits that claims 11-30 are allowable over the cited art of record.

Respectfully submitted,

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